

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:16-cv-00065-MR
[CRIMINAL CASE NO. 1:14-cr-00012-MR-DLH-1]**

WILLIE DAVIS,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

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ORDER

THIS MATTER is before the Court on the Government's Motion to Hold in Abeyance [Doc. 5].

The Government moves to hold the Petitioner's motion in abeyance pending further review of the Fourth Circuit's decision in United States v. Gardner, No. 14-4533, ___ F.3d ___, 2016 WL 2893881 (4th Cir. May 18, 2016). [Doc. 5].

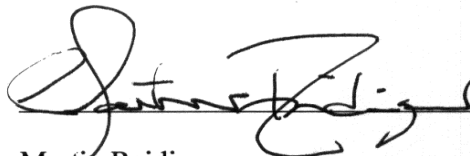
Upon consideration of the motion, the Court denies the Government's request to hold this matter in abeyance pending further any further review of Gardner. The Court directs the Government to file an Answer or other responsive pleading in this case within thirty (30) days from entry of this Order.

IT IS, THEREFORE, ORDERED that the Government's Motion to Hold in Abeyance [Doc. 5] is **DENIED**.

IT IS FURTHER ORDERED that no later than thirty (30) days from entry of this Order, the United States Attorney shall file an Answer or other responsive pleading to Petitioner's Motion to Vacate Sentence.

IT IS SO ORDERED.

Signed: June 21, 2016


Martin Reidinger
United States District Judge

